



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 2, 2015

Ms. Jennifer Burnett  
Office of the General Counsel  
The University of Texas System  
201 West Seventh Street  
Austin, Texas 78701-2902

OR2015-25092

Dear Ms. Burnett:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 590347 (OGC# 164780).

The University of Texas at Austin (the "university") received a request for the bid tabulations and incumbent winner response to a specified solicitation. The university does not take a position as to whether the submitted information is excepted from disclosure under the Act. However, the university states, and provides documentation showing, it notified 81Eighty Manager, Bloose LLC, Aztec Promotional Group LP dba Austin Custom Screenprinting, Fine Designs, Pepwear LLC, and Team Ip of the university's receipt of the request for information and of the right of each to submit arguments to this office as to why the requested information should not be released. *See Gov't Code* § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why requested information relating to it should be withheld from disclosure. *See Gov't Code* § 552.305(d)(2)(B). As of the date of this letter, none of the interested third parties has submitted to this office any reasons explaining why the requested information should not be released. Thus, we have no basis for concluding the submitted information constitutes

proprietary information of these third parties, and the university may not withhold any portion of it on that basis. *See* Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, the university must release the requested information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

  
James L. Coggeshall  
Assistant Attorney General  
Open Records Division

JLC/sb

Ref: ID# 590347

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

Mr. Steve Shilts  
81Eighty Manager  
2500 Regent Boulevard, Suite 100  
Dallas, Texas 75261  
(w/o enclosures)

Mr. Dane Eyerly  
Bloose LLC  
912 113th Street  
Arlington, Texas 76011  
(w/o enclosures)

Ms. Jenna Remily  
Aztec Promotional Group LP  
DbA Austin Custom Screenprinting  
2815 Manor Road  
Austin, Texas 78722  
(w/o enclosures)

Ms. Mary Novik  
Fine Designs  
13645 Welch Road  
Dallas, Texas 75244  
(w/o enclosures)

Mr. Craig Johnson  
Pepwear LLC  
1031 Eastgate Road  
Midlothian, Texas 76065  
(w/o enclosures)

Mr. Randy Sparks  
Team Ip  
850 Northwest Federal Highway  
Stuart, Florida 34994  
(w/o enclosures)